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Magistrate Judge Mary Alice Theiler

3 NOV 07 2016

4 AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
5 DEPUTY

6
7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 JOSE ALBERTO LAINEZ-CARIAS

14 Defendant.

NO.

MJ16-474

COMPLAINT for VIOLATION
U.S.C. Title 8 Section 1326(a)
(Illegal Reentry After Deportation)

(Felony)

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16
17 BEFORE Mary Alice Theiler, United States Magistrate Judge,
18 United States Courthouse, 700 Stewart Street, Seattle, Washington.

19 COUNT I

20 On or about November 3, 2016, at Seattle, within the Western District of
21 Washington, JOSE ALBERTO LAINEZ-CARIAS, an alien, a native and citizen of
22 Honduras, who was previously arrested and deported from the United States on
23 May 10, 2012, at Alexandria, Louisiana, was found after knowingly and voluntarily
24 reentering the United States without the express consent of the Secretary of the
25 Department of Homeland Security.

26 All in violation of Title 8, United States Code, Section 1326(a).

27 The undersigned complainant being duly sworn states:
28

1 I, Carina G. Benito, am a Deportation Officer in the United States
 2 Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE),
 3 assigned to the Office of Enforcement and Removal Operations (ERO) for the Seattle
 4 District Field Office in Tukwila, Washington. I am a Deportation Officer of ICE, and its
 5 predecessor, the Immigration and Naturalization Service (INS). Part of my duties entails
 6 the location and apprehension of foreign nationals in the United States who are or have
 7 been engaged in criminal activity.

8 The following information is based on my investigation, the investigation of other
 9 officers and agents of ICE, official records of United States Citizenship and Immigration
 10 Services (hereinafter "CIS"), and the records of the United States District Court for
 11 Southern District of Texas.

12 2. My investigation has revealed that CIS maintains alien registration
 13 administrative file, commonly referred to as an A-file, 078 171 616, on JOSE ALBERTO
 14 LAINEZ-CARIAS. A-file 078 171 616 is the official Immigration file maintained by
 15 CIS, and is a consolidated repository of all known Immigration contacts with JOSE
 16 ALBERTO LAINEZ-CARIAS hereinafter "defendant." Documents in the A-file show
 17 the defendant is a native and citizen of Mexico.

18 3. The A-file of the defendant contains certified conviction documents
 19 documenting the defendant was convicted in the United States District Court for the
 20 Southern District of Texas in cause number 07CR01360-001 for the offense of Reentry
 21 After Deportation in violation of in violation of 8 U.S.C. § 1326(a) and sentenced to
 22 15 months on July 5, 2008.

23 4. Within the A-file of the defendant, there are five (5) executed I-205,
 24 Warrant of Removal/Deportation. These documents reflect that the defendant was
 25 deported on the following dates and at the following locations:

26 a. May 10, 2012, at Alexandria International Airport, Louisiana.

27 b. January 14, 2012, at El Paso, Texas.

28 c. September 13, 2007, at Alexandria International Airport, Louisiana.

COMPLAINT/ LAINEZ-CARIAS - 2

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1 d. May 19, 2005, at Laredo, Texas.

2 e. October 4, 2001, at Dallas, Texas.

3 The Forms I-205 bear the fingerprints and photographs of the defendant as
4 physical proof of his deportations from the United States to Honduras.

5 5. On August 24, 2001, the defendant was ordered removed by the
6 Immigration Judge at Dallas, Texas. The defendant was deported to Honduras on
7 October 4, 2001.

8 6. On November 3, 2016, the defendant was located by Deportation Officer
9 Kurt Berg, with Seattle's ERO Criminal Alien Program, at King County Jail at Seattle,
10 Washington, where the defendant was in custody for charges related to a Violation of the
11 Uniform Controlled Substance Act and Theft. Officer Berg was able to obtain the
12 defendant's A-file. The defendant's A-file contains documents of his previous removals
13 in 2012, 2010, 2007, 2005, 2001 and his judgement in a criminal case for Reentry after
14 Deportation. The defendant remains in King County Jail custody.

15 7. On November 3, 2016, I along with Deportation Officer Wilfredo Santiago
16 interviewed the defendant at King County Jail, and advised the defendant of his *Miranda*
17 rights via a standard ICE Statement of Rights form. The defendant indicated that he
18 understood his rights, and he was not willing to answer the questions without an attorney.

19 8. On November 3, 2016, DO Santiago fingerprinted the defendant at King
20 County Jail. On the same day DO Santiago and I electronically submitted the
21 defendant's fingerprints to the FBI via the Integrated Automated Fingerprint
22 Identification System (IAFIS). I submitted the defendant's fingerprints as a Search with
23 Verification Transaction, which is a request to an FBI fingerprint examiner to confirm a
24 potential match between the defendant and other IAFIS candidates as maintained by the
25 FBI's Criminal Master File. On November 3, 2016, we obtained positive confirmation
26 from the FBI that the fingerprints we submitted of the defendant were an exact match
27 with FBI number 89628TB9 and his conviction for Illegal Reentry as noted in paragraph
28

1 three above. This is the same FBI number associated with the defendant's immigration
2 file, 078 171 616.

3 10. I have conducted a complete and thorough review of the defendant's
4 Immigration A-file 078 171 616, which contains no evidence that he has ever applied for
5 or received permission to reenter the United States after deportation.

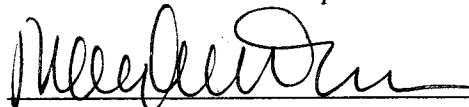
6 11. Based on the foregoing, I have probable cause to believe that JOSE
7 ALBERTO LAINEZ-CARIAS has reentered the United States knowingly and voluntarily
8 without the express consent of the Secretary of the Department of Homeland Security, in
9 violation of Title 8, United States Code, Section 1326(a).

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11 _____
12 Carina G. Benito, Complainant
13 ICE Deportation Officer

14 Reviewed by AUSA Don Reno 

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16 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
17 presence this November 7, 2016, the Court hereby finds that there is probable cause to
18 believe the defendant committed the offense set forth in the Complaint.

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20 _____
21 Mary Alice Theiler
22 United States Magistrate Judge
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